# LAND-STEALING IN NEW MEXICO.

IN a letter from President Cleveland, dated May 11, 1885, he asked me if I would accept the office of Governor or Surveyor-General of New Mexico, and co-operate with him in breaking up the "rings" of that Territory, stating that he considered the latter position the more important of the two. The question was a complete surprise to me, and my strong inclination was to return a prompt answer in the negative. In view of advancing years and failing health, I had no desire to venture so far out on the frontier, and engage in a vexatious struggle with the organized roguery that had so long afflicted New Mexico. On conferring with intelligent friends on the subject, however, my impressions were modified, and, after listening to their stories about the climate of Santa Fé and indulging in dreams of restored health, I finally answered the President in the affirmative. My appointment as Surveyor-General was made soon thereafter, and I entered upon the duties of the office on the 22d of July.

All that I had heard about the climate was true, but the half had not been told me concerning the ravages of land-stealing. In dealing with this subject I shall confine myself in the present article to the single topic of Spanish and Mexican land grants.

When New Mexico was ceded to the United States the estimated area of these grants was about twenty-four thousand square miles, or a little over fifteen million acres, being equal in extent to the land surface of the four States of Rhode Island, Connecticut, New Hampshire, and Vermont. The Treaty of Guadalupe Hidalgo of 1848, and the Law of Nations, obliged the United States to respect the title of all these grants, so far as found valid under the laws of Spain and Mexico; and to this end the Act of Congress of July 22, 1854, was passed, creating the office of Surveyor-General for the Territory, and making it his duty to "ascertain the origin, nature, character, and extent" of these claims,

and report his opinion thereon for the final action of Congress. This armed the Surveyor-General with very large and responsible powers. He was required to pass upon the title of hundreds of thousands of acres, while no court in the Union had any authority to review his opinions, which were final and absolute, subject only to the ultimate supervision of Congress. This legislation would have proved wise and salutary if the Surveyors-General had been first-rate lawyers, incorruptible men, and diligent in their work, and if Congress had promptly acted upon the cases reported for final decision. But the reverse of all this happened. Competent and fit men for so important a service would not accept it for the meagre salary provided by law. Official life in an old Mexican province, and in the midst of an alien race, offered few attractions to men of ambition and force. Moreover, the men who could be picked up for the work were exposed to very great trials. Their duties presupposed judicial training and an adequate knowledge of both Spanish and American law; but with one or two exceptions they were not lawyers at all, while they were clothed with the power to adjudicate the title to vast areas of land. Of course, the speculators who bought these grants at low rates from the grantees or their descendants, in the hope of large profits, comprehended the situation perfectly. They sought the good-will of the Surveyor-General because they desired an opinion favorable to their titles. In furtherance of this darling purpose they took note of his small salary and his natural love of thrift, while carefully taking his measure with the view of enlisting him in their service by controlling motives. It quite naturally happened that forged and fraudulent grants, covering very large tracts, were declared valid, and that the Surveyor-General's office very often became a mere bureau in the service of grant claimants, and not the agent and representative of the Government. Instead of construing these grants strictly against the grantee, and devolving upon him the burden of establishing his claim by affirmative proofs, the Surveyor-General acted upon the principle that Spanish and Mexican grants are to be presumed, and all doubts solved in the interest of the claimant. The details of this systematic robbery of the Government under the forms of law will be noticed as I proceed.

But the wholesale plunder of the public domain was carried on with still more startling results through extravagant and fraudu-

lent surveys. The grant owners did not exhaust their resources on the Surveyor-General. Their dalliance with his deputies was still more shameful. At the date of these old grants, the Spanish and Mexican governments attached little value to their lands. They were abundant and cheap, and granted in the most lavish and extravagant quantities. Leagues, not acres, were the units of measurement, and no actual survey was thought of when a grant was made. A rude sketch-map was drawn by some uneducated herdsman, giving a general outline of the tract, with some of the prominent natural objects indicating its boundaries. These boundaries were necessarily vague and indefinite, while the natural objects which marked them often became obliterated by time. When New Mexico became the property of the United States, and the owners of these grants asked the Government for a preliminary survey in aid of their identification, and for the purpose of asserting title, there was no law providing for the judicial determination of the true boundaries, and the deputy surveyor, who was under no particular obligations to ascertain them, was interested in the length of his lines, being paid so many dollars per mile. He was nominally an officer of the Government, but really a mere contractor, and naturally in sympathy with the grant owner, rather than the United States. The latter was never represented in these surveys, while the owner of the grant was always present, in person or by his agent, and directed the deputy surveyor in his work. His controlling purpose was to make the area of his grant as large as possible, and his interpretation of its terms invariably conformed to this idea. If a given boundary of the tract was a mountain, the deputy surveyor went to the top of it, instead of stopping at the base. If there were several mountain ranges of the same name, at different distances, the farthest of them was selected as the boundary, instead of the nearest. If the phraseology of the grant was found equivocal, or uncertain in any respect, it was always construed in the interest of extension, rather than limitation. In doubtful cases, in which it was deemed wise to fortify the views of the claimant by oral testimony in the field, witnesses could readily be found who would serve his purpose. Perjury and subornation of perjury were by no means uncommon, while the questions propounded were usually printed, and suggested the answers to be given, and there was no cross-examination of the witnesses. It generally happened that they could neither

read nor write, and in quite a number of instances their pretended testimony was not attested by their signatures, nor authenticated by the officer referred to as officiating in the case; while the deputy surveyor sometimes assumed the right to swear the witnesses before entering upon the farce of their examination.

Such were the processes by which the titles to these grants were adjudicated, and their boundaries determined. It is easy to imagine the results which followed. Millions of acres of the public domain were thus appropriated to the uses of private greed. In dealing with this enormous theft of the national patrimony, I do not speak at random, but on the authority of ascertained facts. My attention was directed to this subject soon after entering upon my official work, and the result was an order from the Land Department instructing me to re-examine the cases acted on by my predecessors, wherever the public interest seemed to require it. In obedience to these instructions, I have overhauled the work of my office for the past thirty years, and made supplementary reports in many of the most important cases. The curtain has been lifted upon a very remarkable spectacle of maladministration, and I refer to the following illustrative facts:

What is known as the Pedernales grant is dated in the year 1807. It was approved by the Surveyor-General, but no grant, in fact, was shown, nor any delivery of possession. The land asked for by the grantee was a narrow strip about a mile in length in the Cañon de Pedernales; but the unauthenticated paper purporting to show the juridical delivery of possession, describes the tract as equal to twenty miles square, or 400 square miles, containing 256,000 acres. The title to all this, resting upon a void and fraudulent grant, is asserted by the present claimants, and the land reserved from actual settlement till Congress shall pass upon the validity of the claim.

The Cañada Ancha tract was a grant to Salvador Gonzales, who simply asked the Governor of New Mexico for a spot of land on which "to plant a cornfield" for the support of his family. It was one of a group of small grants in the immediate vicinity of Santa Fé, and contains a fraction over 130 acres, with well defined and easily ascertained boundaries. The claimants of this grant, whose names were not given to the Surveyor-General, filed a sketch map representing an area of 240,000 acres, or 375 square miles. The deputy surveyor placed himself at the head of

a roving commission, in search of the boundaries, which he extended some twenty miles from Santa Fé, and made to include the highest mountain peaks of New Mexico, and 103,759 acres. A second survey was made afterwards, containing only 23,661 acres, including more than 20,000 acres of hills and mountains utterly unfit for cultivation, although the grantee only asked for land for "a cornfield." The land covered by the larger survey is reserved from settlement, and will so remain till Congress shall adjudicate the title; but in the meanwhile the claimants of the land, having been made ashamed of their performances, have abandoned their case since the actual area and boundaries of the little tract have been determined by an authentic survey.

The grant to what is known as the Cañon de Chama tract is claimed to have been made to Francisco Salazar and others in 1806. The present claimants, in their petition to the Surveyor-General, did not give their names, but claimed title to a hundred and eighty-four thousand acres. The Surveyor-General illustrated his genius in the art of measuring land by giving them 472,000. There is no proof that any valid grant was ever made, but if there was it was plainly confined to the Cañon de Chama, which is narrow, and would probably restrict the entire tract to 25,000 acres or less. The deputy surveyor gave no heed to these facts, but went outside of the cañon from ten to fifteen miles in search of the boundaries. The entire tract, as surveyed, is reserved from settlement under the Act of July 22d, 1854, and is enjoyed by a few monopolists; and should Congress approve the recommendation of the Surveyor-General, the public domain will be defrauded of at least four hundred and fifty thousand acres.

The grant to Antonio Sandoval, or Estancia grant, was made under the Mexican colonization law of 1824. It was void under that law, because neither the grant nor the record of it was found among the archives of the Mexican government. There is not even an equitable claim to the land, since it is not shown that the grantee ever occupied it, or exercised any acts of ownership over it. The grant, however, was approved by the Surveyor-General, and surveyed for 415,036 acres, or 648 square miles; and this large area is reserved from settlement.

The claim known as the grant to Ignacio Chaves covers about four leagues, or 17,712 acres. There was no evidence that the conditions of the grant were ever complied with, or of the existence

of any heirs or legal representatives of the grantee. The grant, however, was pronounced valid by the Surveyor-General, and the survey made the tract fifteen miles from north to south, and twenty-two from east to west, containing an area of 243,036 acres, or nearly 380 square miles. The land is reserved from settlement.

The Socorro grant invites particular attention. It is alleged to have been made in 1815 or 1816, but its existence is not shown. The fragmentary papers relied on as proof utterly fail to establish it. An equitable claim may be asserted with some plausibility to a small portion of the tract, including a group of villages existing at the date of the alleged grant; but the claim made covers 1,612,000 acres, and as surveyed it contains 843,259 acres, including very valuable minerals which are not excepted by the recommendation of the Surveyor-General, as they should have been. All of this land, amounting to 1,317 square miles, as surveyed, is reserved from settlement awaiting the action of Congress.

The grant to Bernardo Miera y Pacheco and Pedro Padilla was one league of land, or 4,438 acres. The conditions of the grant were never complied with, and no title therefore vested in the grantees. The land, however, was surveyed for 148,862 acres, and this area is unwarrantably reserved from settlement in the interest of the claimants.

The Cañada de Cochiti grant is dated August 2d, 1728. The grantee petitioned for "a piece of land to plant thereon, and on said piece of land to cultivate ten fanegas of wheat and two of corn," being about 32 acres, and to pasture his "small stock and horse herd." The validity of the grant is not shown, nor is there even an equitable claim; but it was approved by the Surveyor-General, and the survey covers a strip of land averaging from five to six miles in width, and from twenty-five to thirty in length, aggregating an area of 104,554 acres, or a little more than 163 square miles. The whole of this tract is reserved from settlement in behalf of the monopolists who claim it without right.

The San Joaquin del Naainiento grant was made in 1769. It was genuine, but the conditions were never complied with, and the title, therefore, did not vest. It was approved, however, by the Surveyor-General, and surveyed for 131,725 acres. The land is reserved from settlement, and must so remain till the title is acted upon by Congress.

The José Sutton grant was made for sixteen square leagues,

although it could not exceed eleven under the Mexican colonization law, which governs it. It was surveyed for 69,445 acres. The grant is believed to have been genuine, but it was made on fundamental conditions precedent, which were totally disregarded by the grantee, who left the Territory many years ago without having shown the slightest purpose to assert title. The land is valuable, but is reserved from settlement, and has been so reserved for twenty years. It is one of the most bare-faced frauds yet perpetrated through the machinery of the Surveyor-General's office.

The grant of the Arroyo de Lorenzo tract was made in the year 1825, and the grantee took possession, but there is no evidence that he ever complied with the conditions of the royal laws under which such grants were made. As the grant must be governed by the Mexican colonization law of 1824, it could not exceed one square league, or a fraction over 4,438 acres; but it was surveyed for 130,000 acres, and its confirmation to this extent recommended by the Surveyor-General. The land is reserved from settlement and the government defrauded.

The Vallecito de Lovato grant was recommended for confirmation, but no grant was shown, nor any trustworthy evidence that possession of the land was ever delivered. The claimants were not named, and were unknown to the Surveyor-General. The survey of the pretended grant, however, was made for 114,400 acres. The land is reserved from settlement, and has been for a dozen years.

The grant of Bernabé, M. Montaño and others was recommended for confirmation by the Surveyor-General for seven square leagues, or nearly 31,000 acres, and is believed to be valid to that extent; but the tract, as surveyed, is nine miles from east to west, and twenty-two miles from north to south, covering 151,055 acres, or about 241 square miles. The whole of this tract is appropriated to the uses of private greed, and withheld from actual settlers.

These illustrations of legalized spoliation and robbery could readily be multiplied, but it is unnecessary. They form a part only of a large group of claims now before Congress for final action, and they show that the General Land Office was amply justified in its effort to place before that body all available information looking to the rescue of the public domain from the clutches of roguery, and its restoration to actual settlement. The amount of lands which may thus be restored, added to the area

misappropriated under forged and fraudulent titles and unwarranted surveys in the original cases investigated by me since I came into office, will aggregate from four to five million acres.

But I pass to the cases in which Congress has taken final action, being forty-nine in all, of which two only have been rejected. Of the forty-seven confirmed cases, twenty-four have been patented, covering 6,176,857 acres, leaving twenty-three unpatented cases, covering an area of 2,498,108 acres. In the latter class of cases large areas may be restored to the public domain by a resurvey, fixing the true boundaries of the grants under the direction of the General Land Office. This will doubtless be done. A partial examination of these cases clearly indicates the same maladministration pointed out in the unconfirmed claims already noticed. In the survey of the Antoine Leroux grant, for example, more than 100,000 acres of the public domain are included. In the Las Vegas claim, which covers a small grant in fee of tillable land, with the right of pasturage over a much larger area, the survey is made to include 496,000 acres. In the Juana Lopez grant, which covers a small table-land of from ten to twelve thousand acres, with well-defined boundaries, the survey is made to include 42,000 acres. In all these and like cases resurveys are demanded. Judging from the facts disclosed by the records of the Surveyor-General's office, fully one-half the aggregate of these confirmed but unpatented lands is illegally included in the preliminary surveys already made, and may be restored to the public domain by an honest resurvey.

In the patented grants the rights of the United States are foreclosed, unless the patents can be set aside on the ground of fraud or mistake. In the case of the Ortiz mine claim, no grant was ever made. It was conceived by the Surveyor-General and midwived by the act of Congress approving it; but as that act refers to the boundaries mentioned in the papers, and thus seems to recognize them, the government has no redress. The survey of the Armendaris grant is largely excessive, and the patent should be set aside, as I trust it will be in due season. The Tierra Amarialla grant is surveyed for 596,515 acres, or 932 square miles. If any grant was made in this case it was restricted by the Mexican colonization law to eleven square leagues, or about 48,000 acres. There is nothing in the act of Congress confirming this grant to warrant the survey, and the Land Department, on my report of

the case, has recommended that proceedings be instituted to set aside the patent. The Mora grant is surveyed for 827,621 acres, or nearly 1,400 square miles. A good deal of the testimony in this case is not signed by the witnesses, nor are their statements accompanied by the usual affidavits. No grant was produced in evidence, and there was nothing to indicate a grant in fee, but only a distribution of the lands claimed, while there is no conclusive proof that the conditions of the grant were performed. A judicial examination of the whole case is called for.

Of the patented and unpatented lands I have noticed, aggregating 8,674,965 acres, I think it will be safe to estimate that at least one-half, namely, 4,337,482 acres, have been illegally devoted to private uses under invalid grants or unauthorized surveys. If to this sum I add the estimate before mentioned of from four to five million acres unlawfully appropriated in cases pending before Congress, an approximate estimate will be reached covering about 9,000,000 acres of the public domain which are now, and for many years past have been, in the grasp of men who have used and enjoyed the land for their own emolument, and whose earnest prayer is to be let alone in their ill-gotten possessions.

But I have only partially exhibited the results of "earth-hunger" in New Mexico, and the power of these grant owners. It would be an extravagance to assume that they have not exercised a shaping influence over the action of Congress touching their claims. It will not do to lay all the blame upon Surveyors-General. The House Committee on Private Land Claims of the Thirty-sixth Congress, in its report recommending the approval of fourteen of these claims, emphasized the incompetency of these Surveyors-General for the adjudication of such cases, and frankly confessed the unfitness of Congress for the work; yet Congress, as I have shown, has approved forty-seven out of forty-nine cases already examined. That the claimants in these cases have prowled around the committees of Congress, and utilized all the tactics of the lobby in furtherance of their purposes, is at least probable. The famous Maxwell grant deserves attention in this connection.

It was limited by the law under which it was made to twenty-two square leagues, or about 96,000 acres; but it has been surveyed and patented for 1,714,764 acres, or nearly 2,680 square miles. This was done in 1879, in violation of an express order of

the Secretary of the Interior made ten years before, and still in force, restricting it to twenty-two square leagues, and the patent for the larger area issued under circumstances indicating the remarkable readiness of the Commissioner of the General Land Office and the Surveyor-General to serve the claimants. But this astounding piracy of the public domain did not originate with these officials. It had an earlier genesis. Congress had been beguiled by the claimants in 1860 into the confirmation of the grant, with the exterior boundaries named in it, which covered the whole of this immense area, and thus vested the title thereto in the grantees, as the Supreme Court of the United States has recently decided. Congress laid the egg in 1860, which was kindly incubated by the Commissioner of the General Land Office and the Secretary of the Interior in 1879. It was an inexcusable and shameful surrender to the rapacity of monopolists of 1,662,764 acres of the public domain, on which hundreds of poor men had settled in good faith, and made valuable improvements, while it has been as calamitous to New Mexico as it has been humiliating to the government. I have already referred to the Ortiz mine grant, in which Congress was induced to unite with the Surveyor-General in squandering upon private parties over 69,000 acres of exceedingly valuable mineral land which the Mexican government never granted. The careless action of Congress and the presumptive influence of claimants were further illustrated in the confirmation of the Tierra Amarilla and Mora grants, under color of which nearly a million and a half of acres have been segregated from the public domain and dedicated to the uses of monopolists, in consummation of the work of the Surveyor-General in these cases, as before stated. In the matter of the Las Vegas grant, which was claimed by the town of Las Vegas and also by the heirs of Luis Maria Baca, the land actually granted in fee was a tract of moderate size for agricultural purposes. The Surveyor-General decided that both claims were valid, which was simply impossible. Congress confirmed the claim of the town, and did it so unguardedly that the claimants managed to have it surveyed for 496,446 acres, covering probably 440,000 acres in excess of the grant; and then, yielding to the demands of the heirs of Baca, who certainly had no right to anything if the claim of the town was valid, gave them scrip in lieu of the lands thus unwarrantably asked for, covering the same area, and thus defrauded the public

domain to the extent of about 900,000 acres. But I will not multiply these examples. It is sufficient to say that of the whole number of cases submitted by Surveyors-General for final adjudication and passed upon by them in the reckless manner I have specified, Congress has rejected but *two*, and has thus criminally surrendered to monopolists not less than 5,000,000 acres which should have been reserved for the landless poor. I only add that the grant owners of New Mexico have not yet retired from their field of operations in Congress. They have their allies in both Houses. Distinguished Senators and Representatives from some of the great land States of the West are well understood to be in sympathy with S. W. Dorsey, S. B. Elkins, and their confederates, and nothing but the dread of antagonizing the President in his fight against land thieves restrains them from acting openly.

The power of these grant owners over the General Land Office in past years is well known. Its most remarkable illustrations occurred under the administrations of Grant and Hayes, and among these I may specify the attempt to breathe life into the trumped-up Nolan grant in New Mexico, covering 575,968 acres; the extension of the Eaton grant from 27,854 acres to 81,032 acres; and the survey of the Ortiz mine grant for double the area it contained if valid. The case of the Uña de Gato grant affords another illustration. The area of this grant, according to Mr. Dorsey, its claimant, was nearly 600,000 acres. It was reserved from settlement, and is so reserved to-day by the Act of 1854; but when the forgery of the grant was demonstrated in 1879, and he thought it unsafe to rely upon that title, he determined to avail himself of the Homestead and Pre-emption laws. This he could not legally do, because the land was reserved; but the Commissioner of the General Land Office was touched by his misfortune, and in defiance of law ordered the land to be surveyed and opened to settlement. Mr. Dorsey, who was already in possession of thousands of acres of the choicest lands in the tract, at once sent out his squads of henchmen, who availed themselves of the forms of the Pre-emption and Homestead laws, in acquiring pretended titles, which were conveyed to him, according to arrangements previously agreed upon. No record of this unathorized action of the Commissioner is to be found in the Land Office. What was done was done verbally and in the dark, and nothing is now known of the transaction but the fact of its occurrence, and

the intimate relations then existing between Mr. Dorsey and the Commissioner and his chief of surveys. Of course, Mr. Dorsey and his associates in this business have no title to the lands thus acquired, and their entries should be cancelled, not only because the land was reserved from sale by Act of Congress, but because these entries were fraudulently made, as will be shown by investigations now in progress.

The influence of these claimants over the fortunes of New Mexico is perfectly notorious. They have hovered over the territory like a pestilence. To a fearful extent they have dominated governors, judges, district attorneys, legislatures, surveyors-general and their deputies, marshals, treasurers, county commissioners, and the controlling business interests of the people. They have confounded political distinctions and subordinated everything to the greed for land. The continuous and unchecked ascendancy of one political party for a quarter of a century has wrought demoralization in the other. T. B. Catron is a leading Republican, and C. H. Gildersleeve, an equally prominent Democrat, but no political nomenclature fits them. They are simply traffickers in land grants, and recognized captains of this controlling New Mexican industry. This tells the whole story. They have a diversity of gifts, but the same spirit. They are politicians "for revenue only," and have a formidable following. In the Democratic Territorial Convention, which met in August of last year, resolutions were unanimously adopted deprecating the agitation of the question of land frauds in New Mexico, and denying that such frauds exist to any considerable extent; and this slap in the face of a Democratic administration went unrebuked. The leaders of the party in this convention well knew the extent to which these frauds were ramifying the whole territory, and scourging the people. They knew this from the records of the General-Land Office, the reports of its special agents, the action of courts and grand juries, and the startling developments of the Surveyor-General's office; but no member of the convention dared say what all intelligent men in New Mexico knew to be the truth. The grant owners were the masters of the situation. They had no stomach for unpalatable facts, and, therefore, suppressed them. They believed in the gospel of "devil take the hindmost." To rob a man of his home is a crime, second only to murder; and to rob the nation of its public domain, and thus

abridge the opportunity of landless men to acquire homes, is not only a crime against society, but a cruel mockery of the poor. If the convention had said this, it would have sounded the true key-note and battle-cry of reform in New Mexico, while rebuking the ravenous conclave of land-grabbers, whose hidden hand made it the foot-ball of their purposes, and led astray the honest and confiding rank and file of the convention, who would gladly have responded to a brave and honest leadership.

What is the remedy for the evils I have endeavored to depict, and what the hope of New Mexico? The answer is already foreshadowed. In all the cases in which confirmed and unpatented grants have been extended by false and fraudulent surveys, a resurvey should be made under the direction of the General Land Office, fixing the true boundaries and area. In all the cases in which patents to confirmed grants have been procured by fraud, including lands not covered by the confirmatory act of Congress, suits to set aside such patents should be instituted under the direction of the Department of Justice. And the grinding oligarchy of land sharks, whose operations have so long been the blight and paralysis of the Territory, should be completely routed and overthrown. This can only be accomplished by the speedy and final adjudication of their pretended titles. How shall this adjudication be secured? The act of Congress of July 22d, 1854, expressly imposes this duty upon that body; but Congress utterly refuses to take any further action, and, as I have shown, is unfitted for such a service. The project of a Land Commission is equally futile. The act of Congress of 1851, providing such a commission for California, has been in operation for thirty-six years, and from thirty to forty cases of controverted title and survey are yet undisposed of, and now pending in the Surveyor-General's office, the General Land Office, or the courts. The Commission was composed of men of ability and character, but under the malign influence of land-stealing experts the most shameful raids upon the public domain were made through fabricated grants and fraudulent surveys. What is known as Mr. Joseph's bill is a substantial copy of the California act, and the provision in it allowing an appeal from the Commission to the Territorial courts would, of itself, make the project utterly abortive, since the fact is well known that these courts are already loaded down with more work than they can accomplish,

and would be obliged to forego even an attempt to adjudicate these titles. To hope for their speedy settlement through such a project is simply preposterous, and its emphatic approval by the grant owners of the Territory is proof positive of the fact.

Equally vain is the hope of relief through the machinery of what is known as the Edmunds bill, which has repeatedly passed the Senate, and as often been disowned by the House. It refers these claims for adjudication to the District Court of the territory in whose jurisdiction the lands are situated, with the right of either party to appeal from its decision within six months to the Supreme Court of the territory, and from the decision of that court within one year to the Supreme Court of the United States, which is behind with its work four or five years. In all cases in which the judgment of the District Court shall be against the United States, an appeal *must* be taken to the Territorial Supreme Court, and also to the Supreme Court of the United States, unless the Attorney-General shall otherwise direct. The cases are thus to be tried in three several courts, and it is provided that in all of them oral evidence shall be heard, while in the two lower tribunals it would be practically impossible to try the cases at all, by reason of their overburdened territorial business. While such a measure would certainly breed litigation and be very acceptable to lawyers, it could not fail to prove a mere mockery of its professed purpose; and it ought to be entitled "an act to postpone indefinitely the settlement of all titles to Spanish and Mexican grants, and secure to their claimants the unmolested occupancy and use of the same."

In my judgment, what is obviously wanted is a simple enactment of Congress referring all these cases to the Secretary of the Interior for final decision. They are all on the files of the General Land Office, including duly certified copies of all the papers in each case, the evidence, both documentary and oral, the reports of the Surveyors-General, and the supplementary reports recently submitted. The questions of law and fact involved are by no means remarkably intricate or difficult, and they are such as the officials of the Interior Department are accustomed to examine and competent to decide. They involve no greater interests than those constantly adjudicated by the head of that department, with the help of his able legal advisers. Of course, mistakes might be made in deciding these cases. No in-

fallible tribunal has yet been devised for the settlement of legal controversies. Even our higher courts sometimes go astray; while I have already shown what a travesty of both justice and law was the action of the California Commision, and that Congress, by slipshod legislation in dealing with these grants, has surrendered to monopolists and thieves millions of acres of the public domain. No such results need be apprehended from the Department of the Interior. In any event, there would be a *settlement* of titles, which is the paramount desire of all good men. The authority of Congress to do what is proposed is as unquestionable as its authority to create a commission or to refer the cases to the courts. Should it be done, coupled with a statute of limitation fixing a time within which new claims shall be presented or thereafter be barred, the whole of these long pending contests can be disposed of within the limit of three or four years, and New Mexico will have a new birth in the restitution of her stolen domain and the settlement of her titles. The stream of settlers now crossing the Territory in search of homes on the Pacific will be arrested by the new order of things and poured into her valleys and plains. Small land-holdings, thrifty tillage, and compact settlements will supersede great monopolies, slovenly agriculture, and industrial stagnation. The influx of an intelligent and enterprising population will insure the development of the vast mineral wealth of the Territory, as well as the settlement of her lands; while the men who have so long reveled in their triumphant plunder, and are already troubled with "a fearful looking to of judgment to come," will be obliged to take back seats in the temple of civilization which will be reared upon the ruins of the past. All this will come to pass if Congress will but open the way.

GEORGE W. JULIAN.